

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, *ex rel*
CHRIS McGOWAN,

Plaintiff,

v.

KAISER FOUNDATION HEALTH PLAN,

Defendant.

No. C 09-05984 JSW

**ORDER DIRECTING PARTIES
TO MEET AND CONFER
REGARDING ORDER TO SHOW
CAUSE ON SEALING AND
DIRECTING THAT TRANSCRIPT
NOT BE RELEASED UNTIL
MOTION TO REDACT IS
RESOLVED**

The Court has read and considered the parties' responses to the Court's Order to Show Cause regarding sealing of documents submitted in connection with the parties' briefing on Defendant's motion for summary judgment. The Ninth Circuit has held that a party must show "compelling reasons" in order to "maintain the secrecy of documents attached to dispositive motions." *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006). The Court has deferred ruling on the motion for summary judgment pending the results of a settlement conference, which is to be held on October 7, 2014.

It is HEREBY ORDERED that the parties shall meet and confer, in person or by video conference, by no later than September 7, 2014, regarding the outstanding disputes on the motions to seal. By no later than September 30, 2014, the parties shall submit a joint chart setting forth their remaining disputes, if any. If the parties do not resolve all of their objections, this chart shall be submitted in two sections.

The first section shall clearly set forth documents, or portions thereof, and exhibits, or portions thereof, that the parties agree should be unsealed. The second section shall set forth

1 the parties remaining disputes. The chart shall be structured in the format of Kaiser's exhibits
2 to the responses to the Order to Show Cause and shall contain 3 columns: (1) material at issue;
3 (2) Kaiser's basis for sealing, including any response to the Relator's objections, which now are
4 generally known to Kaiser; and (3) Relator's objections to Kaiser's basis for sealing the
5 documents.

6 Because the Court's ruling on the Order to Show Cause re sealing will also impact the
7 pending motion to redact the transcript of the summary judgment hearing, it is HEREBY
8 ORDERED that the Court Reporter shall not release the transcript until that motion is resolved.

9 **IT IS SO ORDERED.**

10 Dated: July 31, 2014

11 
12 _____
13 JEFFREY S. WHITE
14 UNITED STATES DISTRICT JUDGE

15 cc: Jaimie Hopp
16
17
18
19
20
21
22
23
24
25
26
27
28